



6560-50-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **DEPARTMENT OF DEFENSE**

#### **Department of the Army, Corps of Engineers**

**[EPA-HQ-OW-2013-0820; 9912-30-OW]**

### **Reopening of Comment Period for the Notice of Availability Regarding the Exemption from Permitting under Section 404(f)(1)(A) of the Clean Water Act to Certain Agricultural Conservation Practices**

**AGENCIES:** Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps), Department of the Army, Department of Defense.

**ACTION:** Notice of availability; reopening the comment period.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) are reopening the comment period for a notice published on April 21, 2014. The notice of availability was for an interpretive rule to address the exemption from permitting provided under section 404(f)(1)(A) of the Clean Water Act (CWA) for discharges of dredged or fill material associated with certain agricultural conservation practices based on the Natural Resources Conservation Service (NRCS) conservation practice standards that are designed and

implemented to protect and enhance water quality. While the interpretive rule is already in effect, the agencies recognize the importance and value of receiving public input on the implementation of this interpretive rule. EPA and the Corps are reopening the comment period in response to stakeholder requests. Comments submitted between the close of the original comment period and the re-opening of this comment period will be accepted and considered.

**DATES:** The comment period for the interpretive rule, the availability of which was published on April 21, 2014 (79 FR 22276), is reopened through July 7, 2014. Comments must be received on or before July 7, 2014. The comment period was originally scheduled to end on June 5, 2014.

**ADDRESSES:** Submit your comments, identified by Docket identification (ID) No. EPA-HQ-OW-2013-0820, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Email:* [ow-docket@epa.gov](mailto:ow-docket@epa.gov).
- *Mail:* Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Attention: Docket ID No. EPA-HQ-OW-2013-0820.
- *Hand Delivery:* EPA Docket Center, EPA West Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004, Attention: Docket ID No. EPA-HQ-OW-2013-0820. Such deliveries are only accepted during the Docket Center's normal hours of operation. Special arrangements should be made for deliveries of boxed information by calling 202-566-2426.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OW-2013-0820. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> website is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disc you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available (e.g., CBI or other information whose disclosure is restricted by statute). Certain other materials, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the

Office of Water Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744; the telephone number for the Office of Water Docket Center is (202) 566-2426. EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2013-0820. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Water Docket, EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, D.C., Monday through Friday, excluding legal holidays. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

**FOR FURTHER INFORMATION CONTACT:** Ms. Damaris Christensen, Office of Water (4502-T), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number 202-566-2442; e-mail address: [Wetlands-HQ@epa.gov](mailto:Wetlands-HQ@epa.gov) or Mr. Chip Smith, Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Washington, DC 22310; telephone number 703-697-4672; [USACE\\_CWA\\_RULE@usace.army.mil](mailto:USACE_CWA_RULE@usace.army.mil) or Ms. Stacey Jensen, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202-761-5856; email address: [USACE\\_CWA\\_RULE@usace.army.mil](mailto:USACE_CWA_RULE@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

I. Information about the Document

The interpretive rule, as well as a list of NRCS practices that meet the exemption, are available on the <http://www.regulations.gov> docket for EPA–HQ–OW–2013–0820 or via the Internet on the EPA website: <http://water.epa.gov/lawsregs/guidance/wetlands/agriculture.cfm>.

Dated: June 9, 2014.

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